

April 19, 2004

Re: Responses to Comments on the Draft Environmental Assessment (EA) and Approval of the Montana Resources Land Transfer of Berkeley Pit Northwest Dumps to Butte Priority Soils Operable Unit and Partial Bond Release, Operating Permit 00030, Amendment 008.

Dear Reader:

On March 5, 2004, the Montana Department of Environmental Quality (DEQ) published the "Montana Resources Land Transfer of Berkeley Pit Northwest Dumps to Butte Priority Soils Operable Unit and Partial Bond Release, Operating Permit 00030, Amendment 008, Draft Environmental Assessment". During the 30-day public comment period ending April 12, 2004, DEQ received one public comment. The comment and DEQ's response to the comment are attached in Appendix A. The comment did not result in substantive changes to the Draft EA.

This letter is being sent to the same people that received the Draft EA. If you would like another copy of the Draft EA, or if you have questions on the environmental assessment process, please contact Patrick Plantenberg, Operating Permit Section Supervisor, at DEQ, P. O. Box 200901, Helena, MT 59620, or call (406) 444-4960 or e-mail at pplantenberg@state.mt.us, and one will be mailed to you.

Based on the analysis of potential environmental impacts and the lack of substantive comments received on the Draft EA, DEQ has determined that the Agency Modified Alternative as described in the Draft EA will not have any significant impacts on the human environment, and the preparation of an environmental impact statement is not required.

The Draft EA for the Montana Resources Land Transfer of Berkeley Pit Northwest Dumps to Butte Priority Soils Operable Unit and Partial Bond Release, Operating Permit 00030, Amendment 008 is hereby approved.

If you have any questions pertaining to the permitting process, please contact Patrick Plantenberg. The Draft EA is also available on the DEQ web page at <http://www.deq.state.mt.us/ea.htm>.

Sincerely,

**Warren McCullough, Chief
Environmental Management Bureau**

**Appendix
g:/EMB/OP/mepa/ea/mrnwdumpsfinalea.doc**

APPENDIX A

PUBLIC COMMENT AND DEQ RESPONSE ON THE DRAFT EA FOR THE MONTANA RESOURCES LAND TRANSFER OF BERKELEY PIT NORTHWEST DUMPS TO BUTTE PRIORITY SOILS OPERABLE UNIT AND PARTIAL BOND RELEASE, OPERATING PERMIT 00030, AMENDMENT 008.

RESPONSE TO PHONE CALL ON DRAFT EA ABOUT CHANGING THE BUTTE PRIORITY SOILS OPERABLE UNIT BOUNDARY:

DEQ received a call from Bernard Harrington on April 1, 2004. Mr. Harrington does not want the Butte Priority Soils Operable Unit (BPSOU) boundary changed because of restrictions placed on the property by EPA as part of the Superfund process. Mr. Harrington has no problem taking the Northwest Dumps out of the permit area and giving them to ARCO.

DEQ will give this comment to EPA for their consideration in their process. As explained in the Draft EA, EPA must make the final decision on the fate of the acreage. The land transfer could not take place if the property is not placed in the BPSOU.